

FILED
COURT OF APPEALS
DIVISION II
2017 JAN 10 AM 10:58
STATE OF WASHINGTON
BY [Signature]
DEPUTY

No. 48742-0-II

COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

STANLEY R Jackman

Appellant.

STATEMENT OF ADDITIONAL
GROUND (RAP 10.10)

I, Stanley R Jackman, have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

STATEMENT OF ADDITIONAL
GROUND (RAP 10.10)

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ADDITIONAL GROUND ONE

The police violated Mr. Jackman's rights under UNITED STATES CONST, Amend. 4, and WASH. CONST., Art., 1, § 7 when, without a search warrant and without notice to the residents, they parked just off Highway 101 at the end of a posted private driveway, walked under cover of darkness onto posted private property, bypassed the front door, and searched behind the residence before retreating to the door to the residence and knocking.

~~Exceptions to the Warrant requirement fall into several categories: consent, exigent circumstances, searches incident to a valid arrest, inventory searches, plain view, and Terry investigation stops. State v. Ladsen, 138 Wn.2d 343, 349. The state neither asserted nor proved that any of these exceptions apply. The burden is always on the state to prove one of these narrow exceptions. Id. (citing State v. Johnson, 75 Wash. App. 692, 879 P.2d 984 (1994); State v. Seagull, 95 Wn.2d 898, 634 P.2d 44 (1981). Thus, the police violated Fourth Amendment and Article One, section seven protections.~~

See Attachments

ADDITIONAL GROUND TWO

The trial Court abused its discretion when it ignored relevant testimony regarding the breadth of security devices and privacy postings employed at the residence and found that no legitimate expectation of privacy existed.

The Court ruled that "[n]o trespassing signs alone do not create a legitimate expectation of privacy without dogs, gates, or additional security devices." Transcript (Tr), at 119. lns. 15-21. However, see Tr, at 19, ln. 1 ("security light"), and see, also, Tr, at 24, lns. 21-23 ("gate," and "dogs and things").

Clearly, Mr. Jackman enjoyed a "legitimate expectation of privacy" where he in fact employed "no trespassing signs," "security lights," "a gate," and "dogs and things" to warn potential trespassers that they were entering upon private property.

See Attachments

If there are any additional grounds, a brief summary is attached to
this statement.

DATED this 5TH day of January, 2017.

Shane R. Jackman
~~Shane R.~~

(Print) Shane R. Jackman

Appellant, *Pro se*.

DOC# 718695, Unit WSR-U/A-238

Monroe Correctional Complex

(Street address) 16550 177TH ST AVE NE

P.O. Box 777

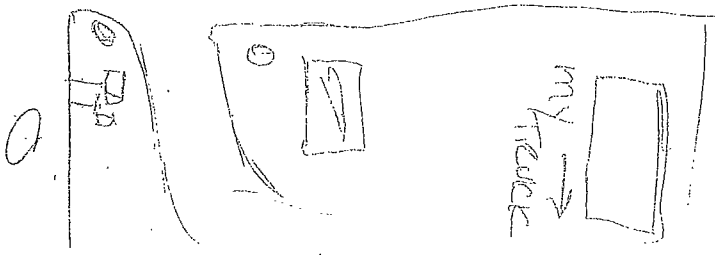
Monroe, WA 98272

STATEMENT OF ADDITIONAL
GROUNDS (RAP 10.10)

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where V.A. is
022
TW

- Hand drawn Defense Ex. 3
Court Admitted
Direct examination / Jackson
page 67 line 4



7th 5

Back of where
Backyard cars

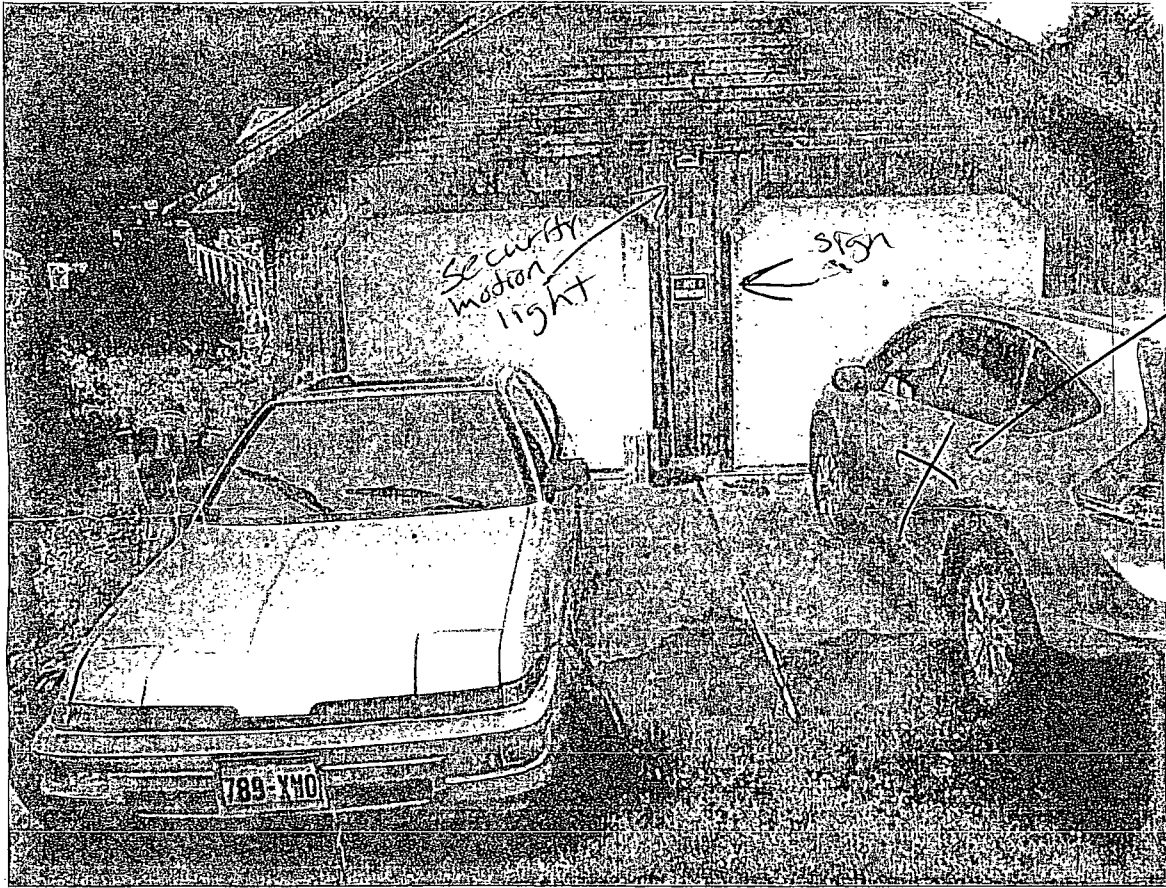
Sliding door they knocked

Street view,
Picture admitted into evidence

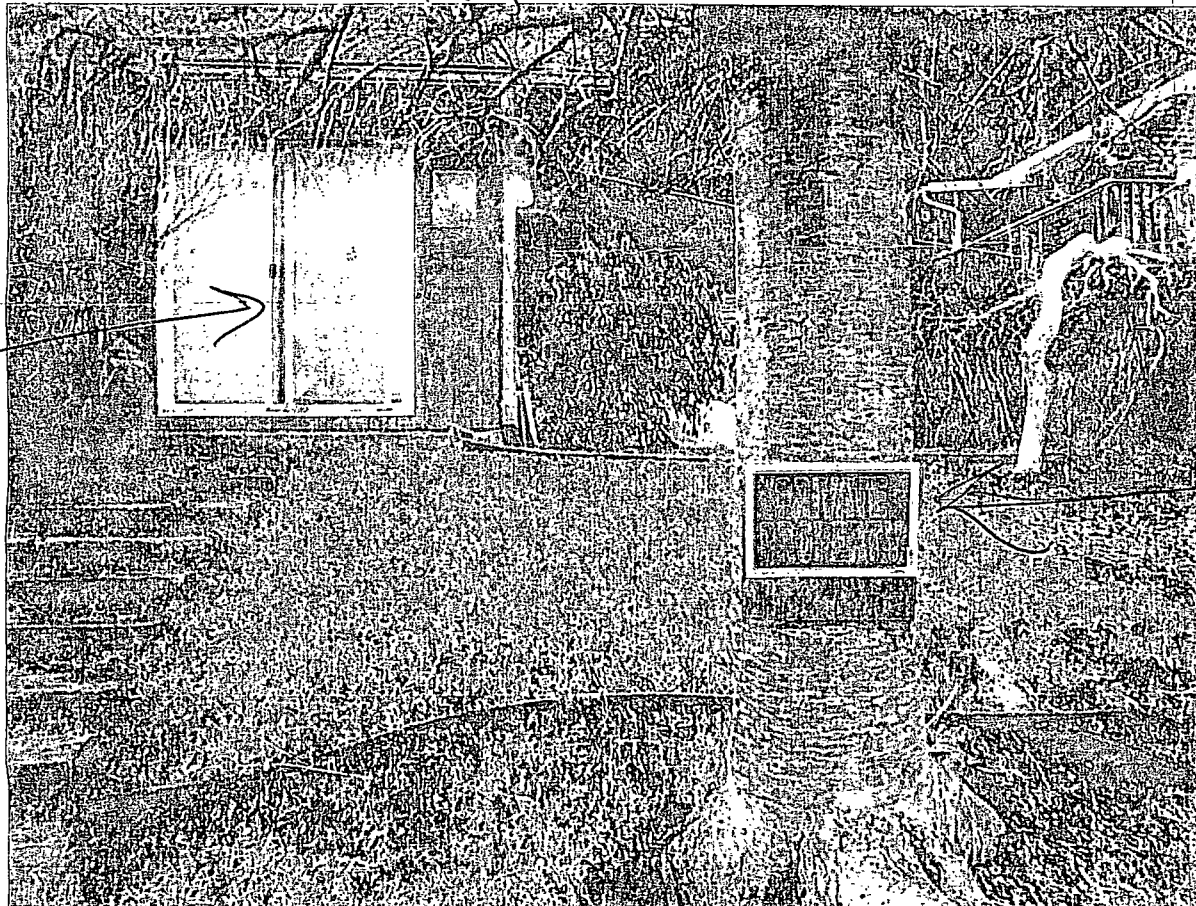
where officers
claim to
parked



Southern end of Garage
facing North



North East corner of Garage
facing west



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STATE OF WASHINGTON

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NO. 48742-0-II

COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

State of Washington
Respondant

v.

Shane Jackman
Appellant

DECLARATION OF
MAILING

I, Shane Jackman, hereby declare:

1. I am over the age of eighteen years and I am competent to testify herein.

2. On the below date, I caused to be placed in the U.S. Mail, first class postage prepaid, 1 envelope(s) addressed to the below-listed individual(s):

Jefferson County
Prosecuting Att.
PO Box 1220
Port Townsend WA
98368

Atty: Jennifer Winkler
1908 E. Madison Street
Seattle WA
98122

DECLARATION OF
MAILING

Court of Appeals
Division II
950 Broadway Suite 300
Tacoma WA 98402-4454

3. I am a prisoner confined in the State of Washington Department of Corrections ("DOC"), housed at the Monroe Correctional Complex ("MCC"), P.O. Box 777, Monroe, WA 98272, where I mailed the said envelope(s) in accordance with DOC and MCC Policy 450.100 and 590.500. The said mailing was witnessed by one or more correctional staff. The envelope contained a true and correct copy of the below-listed documents:

1. Appellant's Statement of Additional Grounds
2. _____
3. _____
4. _____
5. _____
6. _____

4. I invoke the "Mail Box Rule" set forth in GR-3.1—the above listed documents are considered filed on the date that I deposited them into DOC's legal mail system.

DATED this 5th day of January, 20 17.

Shane R. Jackman
(Print) SHANE R. JACKMAN

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 Monroe Correctional Complex
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